

REMARKS

Applicants have carefully considered the July 17, 2008 Office Action, and the amendments above together with the comments that follow are presented in a bona fide effort to address all issues raised in that Action and thereby place this case in condition for allowance. Claims 1-6 are pending in this application. In response to the Office Action dated July 17, 2008, claim 1 has been amended. Care has been exercised to avoid the introduction of new matter. Adequate descriptive support for the present Amendment should be apparent throughout the originally filed disclosure as, for example, the depicted embodiments and related discussion thereof in the written description of the specification, including page 16, [0054]. Applicants submit that the present Amendment does not generate any new matter issue. Entry of the present Amendment is respectfully solicited. It is believed that this response places this case in condition for allowance. Hence, prompt favorable reconsideration of this case is solicited.

Claims 1, 2, and 4 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Abe (U.S. Pat. App. Pub. No. 2002/0021725, hereinafter "Abe"). Dependent claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over by Abe; and dependent claims 5 and 6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over by Abe in view of Honda et al. (U.S. Pat. No. 6,885,076, hereinafter "Honda"). Applicants respectfully traverse the rejections.

The Examiner, at page 2 of the Office action, asserted that paragraph [0137] of Abe suggests that a terminal 22 is provided passing through the base 1 and connected by a lead 23 to the above first and second diodes (LD1 and LD2) or to the PIN diode 12. In other words, the Examiner concludes that this section of Abe teaches that the wires can be either connected to the laser diodes or to the PIN diode. Reconsideration and withdrawal of the rejections are solicited in view of the amendment to independent claim 1.

In Abe, on the protruding portion 21a (which corresponds to the submount in the present application) on which the first and second diodes are arranged, the PIN diode 12 formed as an optical detection element (photodetector) is located behind the first and second diodes.

According to the present application, on the submount, no photodetector is provided behind the two-beam semiconductor laser element. This makes it possible to arrange the first and second electrode pads behind the semiconductor laser element without increasing the size of the submount.

Claim 1 has been amended to clearly describe that no photodetector is provided behind the two-beam semiconductor laser element on the submount.

Fig. 7 of Abe shows leads 13b, 13c; and 46a that are connected to the first and second diodes. Fig. 8A shows five leads and three terminals. One of the five leads is indicated by reference numeral 23, and one of the three terminals is indicated by reference numeral 22. In paragraph [0137], it is mentioned that the lead 23 is connected to the first and second laser diodes (LD1 and LD2) or to the PIN diode 12.

In Fig. 8A, the front three of five leads (which correspond to the leads 13b, 13c, and 46a) are connected to the first and second diodes LD1 and LD2, and two of the three front leads (which correspond to the leads 13b and 13c in Fig. 7) are each connected to a terminal. Thus, in Fig. 8A, the lead indicated by reference numeral 23 is not connected to the first and second diodes LD1 and LD2.

As discussed above, “lead 23” in paragraph [0137] collectively indicates all five leads, and “terminal 22” collectively indicates all the three terminals. In paragraph [0137], the terms “lead 23” and “terminal 22” are used in singular forms, but these should be properly construed as a plurality of leads and terminals. If for the sake of argument, it is assumed that the term “lead

23” is in the singular form, it contradicts the description that the lead 23 is connected to the first and second laser diodes (LD1 and LD2).

Fig. 7 shows that the leads 13b and 13c are connected to the electrode pads 13a located to the sides of the first and second diodes, and so does Fig. 8A. Thus, Abe does not teach the first and second electrode pads 13a extending backward.

Therefore, the structural configuration recited in claim 1 of the present application is different from the configuration disclosed in Abe for at least these reasons.

Moreover, if reference numeral 23 is assumed to indicate the one lead as shown in Fig. 8A, the feature that the lead 23 is connected to the first and second diodes LD1 and LD2, which is described in paragraph [0137], is not shown in Figs. 7 and 8A. This suggests a possibility of the lead 23 being connected to the first and second diodes LD1 and LD2.

However, as shown in Figs. 7 and 8A, the electrode pads 13a are disposed to extend to the sides of the first and second diodes, and they do not extend behind the first and second diodes. Thus, even if the lead 23 at the back is connected to the first and second diodes, it can only be connected to the electrode pads 13a located to the sides of the first and second diodes. Therefore, the structural configuration recited in claim 1 of the present application is different from the configuration disclosed in Abe for at least these additional reasons.

Thus, Applicants submit that claim 1 is not anticipated by Abe. Further, the other cited art does not remedy the deficiencies of Abe.

Under Federal Circuit guidelines, a dependent claim is allowable if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987).

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Thus, as independent claim 1 is allowable for the reasons set forth above, it is respectfully submitted that dependent claims 2-6 are allowable for at least the same reasons as their respective base claims.

Accordingly, it is urged that the application is in condition for allowance, an indication of which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, Examiner is requested to call the undersigned attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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